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General Assembly
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Official Records

First Committee
28th Meeting
Thursday, 11 November 1999, 3 p.m.
New York

Chairman: Mr. Gonzalez ..... (Chile)

In the absence of the Chairman, Mr. Sadauskas (Lithuania), Vice-Chairman, took the chair.

The meeting was called to order at 3.10 p.m.

Agenda item 66

Statement by the Chairman

The Acting Chairman: In accordance with the programme of work and timetable, the Committee will commence general debate on the question of Antarctica and consideration of an action on the draft resolution under agenda item 66.

As members will recall, the question of Antarctica was initially included on the agenda of the General Assembly at its thirty-eighth session, in 1983. Each successive session of the General Assembly has been seized of the question of Antarctica, an issue that has assumed global importance for the world today as well as for future generations.

Since 1959, when the Antarctic Treaty was concluded to ensure, in the interest of all mankind, that Antarctica should continue forever to be used exclusively for peaceful purposes and should not become the theme or object of international discord, the Consultative Parties have been meeting regularly and have adopted a number of documents through which they have established legal norms to protect the continent's environment, with special emphasis on the conservation of Antarctic living resources.

In addition, they have created a number of bodies to coordinate their activities. Antarctica, its associated ecosystem and the Southern Ocean play a critical role in the global environmental system. For years we have grown increasingly aware of the intimate and unbreakable interdependence between Antarctica and the rest of the world. Major processes of interaction among the atmosphere, oceans, ice and biota affect the entire global system through feedback mechanisms, biogeochemical cycles, circulation patterns, transport of energy and pollutants and changes of ice mass balance.

Currently, the principal environmental concerns in Antarctica are related to changes occurring at the global level, such as those related to depletion of the ozone layer, climate change and the effects of global warming. However, it should be remembered that in the recent past the Antarctic marine environment of whales and seals has also been exploited, leading to the near extinction of some species. While this exploitation has now ceased, its impact on the marine ecosystem is still evident today.

In comparison to these and the global changes, the environmental impact of human activities occurring within Antarctic today is relatively minor and localized. Although Antarctica is the least populated and industrialized continent, with minimal human activity, there is a need for constant cooperation among States if the continent is to be preserved.

Research has been conducted on the presence and transport of pollutants in Antarctic's marine and terrestrial ecosystems. Levels in Antarctica are generally extremely low, except at a few localized sites. There is also a need to address some other questions, relating to biology, geodesy and geographic information, the physics and chemistry of

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the atmosphere and solar, terrestrial and astrophysical research. Long-range pollutants in Antarctica originate predominantly in the industrialized areas of the world. Many such pollutants are transported to Antarctica in the upper atmosphere, others by ocean currents.

Air reaching Antarctica from outside must pass through the zone of cyclonic storms that surrounds the continent. Owing to minimal localized human activity, Antarctica is an ideal laboratory in which to base monitoring activities for long-range pollutants. It is important that this scientific value of Antarctica not be destroyed through local sources of contamination.

In view of the extensive deliberations by the Committee on this subject over the past several years, it has become clear to us that Antarctica should forever be used exclusively for peaceful purposes, that it should remain free of human and military installations and that it must not become a source of tension and discord.

I have tried in this brief statement to highlight the fact that the global importance of the Antarctic environment is such that its spate needs to be assessed periodically and comprehensively. I welcome the initiative now being undertaken by the Scientific Committee of Antarctic Research to develop proposals for a comprehensive report on the state of the Antarctic environment in the near future. Such a report will be appreciated, as the Madrid Protocol entered into force on 14 January 1998 and will serve as the basis for further work by the Antarctic Treaty system in protecting the Antarctic environment.

In that context, the newly established Committee for Environmental Protection would, *inter alia*, provide advice and formulate recommendations on the implementation of the Protocol for consideration at the Consultative Meetings. I should like to draw the attention of the Committee to the report of the Secretary-General contained in document A/54/339, which provides comprehensive and detailed information on the subject matter, summarizing the two reports of the Antarctic Treaty Consultative Meetings and other relevant meetings that have taken place over the past three years.

Mr. Hasmy (Malaysia): I wish to express my delegation's appreciation for your succinct yet comprehensive introduction of the subject under discussion. Over the years, the debate on the question of Antarctica has undeniably been a useful exercise and has yielded positive results. Members of the United Nations have become more aware of the concerns and interests of mankind in Antarctica: in its ecosystem, its mineral and living resources, its management and its peace and stability. The debates have also highlighted the inadequacy of the Antarctic Treaty system fully to meet these concerns and challenges.

My delegation is gratified that as a result of the debate there is now far greater transparency and accountability for the activities of the Antarctic Treaty Consultative Parties (ATCP) in Antarctica. There is also greater United Nations involvement, with the participation of the United Nations Environmental Programme (UNEP) in Meetings of the ATCP. This has resulted in a better understanding by the international community of the issues relating to Antarctica and of the need to protect this pristine continent for the common benefit of mankind.

My delegation would like to express its appreciation to the Secretary-General for his comprehensive report as contained in document A/54/339. We wish that the report had been issued much earlier than just a few days ago, in order to allow for a more in-depth analysis by delegations. UNEP should be complimented for its commendable contribution to the Secretary-General's report. The report provides updated information on the activities undertaken by the Antarctic Treaty Consultative Parties, the Antarctic Treaty system and several international bodies to promote the protection and preservation of this vast continent. It has also highlighted the state of the Antarctic environment and has further increased our awareness of the need to protect the Antarctic environment from the impact of human activities on its fragile ecosystem.

My delegation commends the Consultative Parties for their cooperation and willingness in sharing information about their activities in Antarctica, thereby increasing transparency about what goes on there. This sharing of information began some years ago and, it is hoped, will become a regular feature of the cooperation between the ATCP and the rest of the international community.

The Madrid Protocol on Environmental Protection to the Antarctic Treaty, which constitutes the most comprehensive multilateral instrument on the protection of the environment to date, entered into force on 14 January 1998. Malaysia welcomes its entry into force and the designation of Antarctica as a natural reserve devoted to peace and science, prohibiting mineral resource activities other than scientific research and setting principles and measures for the planning and conduct of all activities in the Antarctic Treaty area. Malaysia welcomes in particular the Protocol's 50-year moratorium on prospecting and

mining in Antarctica and expresses the hope that this might constitute a first but important step towards a permanent ban on mining on the continent.

With the entry into force of the Madrid Protocol, human activities in Antarctica would be further regulated to protect the Antarctic environment and its dependent and associated ecosystem. Although the Protocol has much strength, it has no enforcement mechanism of its own, leaving it to each State Party to enforce its provisions through its national law. It is of interest to note that of 27 members, only 11 have adopted original legislation to implement the Protocol. Several others have written the text of the Protocol into national law but have neglected to write clear national procedures. We regret to learn that some members of the Protocol have refused to recognize the right of the Committee for Environmental Protection to review environmental impact assessments. Environmental impact assessment goes to the heart of the ability of the Protocol to ensure that impacts from human activities are minimized.

The Committee for Environmental Protection, the only institution created by the Protocol, has adopted guidelines for environmental impact assessment in Antarctica. These are expected to improve the understanding of the assessment process and lead to a more uniform practice among Parties. However, dispute has arisen over how it could provide advice on environmental impact assessment for major projects, such as the rebuilding of a new base at the South Pole. Concerns have also been expressed about tourism activities by non-Consultative States that have yet to become party to the Madrid Protocol and are thus not subject to environmental impact assessment requirements.

The Protocol was signed with one legal loophole remaining — that is, provisions for liability for environmental damage have yet to be established so as to encourage compliance and provide the means of assigning responsibility for any environmental damage which may occur. We note that States have been slow in implementing a liability annex. We believe that there should be strict and unlimited liability. A strict regime will send a clear message to the world that in Antarctica the protection of the environment is of paramount importance.

Malaysia believes that the United Nations, as a world representative body with its network of specialized organs such UNEP, the Food and Agriculture Organization (FAO), the International Maritime Organization (IMO) and World Meteorological Organization (WMO), as well as the World Tourism Organization, is the most appropriate authority to enforce, administer and monitor the various scientific and non-scientific activities in Antarctica.

There has been considerable broadening of cooperation between the Scientific Committee on Antarctic Research, the Commission for the Conservation of Antarctic Marine Living Resources and some United Nations specialized agencies, and this should be encouraged to ensure the protection of the Antarctic environment. The IMO, a United Nations specialized agency, is working with an ATCM expert group towards adopting a code on polar shipping. The Polar Shipping Code will alleviate the concerns expressed about the operational safety issue of ships in Antarctic waters.

The FAO is working together with relevant Antarctic bodies to intensify efforts to develop measures to address the issue of unreported, unregulated and illegal fishing. There has been a resurgence of interest in fishing in Antarctica as fisheries around the world become depleted. Equally of concern is the large-scale "scientific" whaling that is still being conducted in the Southern Whale Sanctuary. All of these activities should be curtailed or strictly regulated to ensure that the delicate balance of the Antarctic ecosystem is not disturbed.

The biggest current threat to the world's greatest "natural reserve" is the burgeoning tourism industry. The number of tourists visiting Antarctica has increased from fewer than 1500 per year in the early 1980s to over 14,000 by the 2001-02 season, as reported by International Association of Antarctica Tour Operators. In the last few years, commercial flights to the continent from Australia and New Zealand have also resumed. The high increase of visitors will have an impact on Antarctica's environment and wildlife. The World Tourism Organization should be involved in establishing a monitoring mechanism to ensure that eco-tourism is regulated in an effective manner.

There is also a reported proliferation of bases over the past half century, with over 50 scientific research stations some of which are the size of small industrial towns. These bases have sprawled into pristine areas and into seal and penguin breeding and nesting sites. The drilling at Lake Vostok for the testing of equipment for use in outer space has already raised controversy.

These various human activities are putting additional pressure on Antarctica's environment. The ability of the Antarctic environment and native flora and fauna to withstand the impacts originating within Antarctica, as well as from outside, is doubtful. Although the Rio Earth

Summit of 1992 is a somewhat distant memory, the outcome of the Summit clearly demonstrated, *inter alia*, the will and commitment of the international community collectively to address the need to stem environmental degradation in Antarctica. In this regard, my delegation would urge the ATCP to continue to implement their commitments under the Antarctic Treaty and relevant United Nations resolutions.

My delegation is pleased that on the basis of consultations on this agenda item it has been possible to reach agreement on a consensus or Chairman's text of the resolution which has just been introduced for action in this Committee. We are grateful to the delegation of the United Kingdom, acting on behalf of the ATCP countries, for making this possible.

The draft resolution is largely an updating of General Assembly resolution 51/56 of 10 December 1996. It welcomes, *inter alia*, the entry into force of the Madrid Protocol on Environmental Protection to the Antarctic Treaty, the continuing cooperation among countries undertaking scientific research activities in Antarctica and the increasing awareness of interest in Antarctica shown by the international community. It also reaffirms the conviction that, in the interest of mankind, Antarctica should continue forever to be used exclusively for peaceful purposes and that it should not become the scene or object of international discord.

It also welcomes the invitations extended to the Executive Director of UNEP to attend Consultative Meetings of the ATCP in order to assist in their substantive work and urges the Parties to continue to do so for future consultative meetings. It also welcomes the practice whereby the ATCP regularly provide information on these Meetings and other relevant information on Antarctica so as to enable the Secretary-General to submit a report for consideration by the General Assembly at its fifty-seventh session.

In conclusion, my delegation is pleased with the increased transparency of the activities of the ATCP as well as the increasing cooperation between the ATCP countries and the rest of the international community. Notwithstanding the deficiencies of the ATCP system, which we hope will be overcome over time, we are gratified that the mechanism of dialogue and cooperation that the ATCP and non-ATCP countries have forged in the context of the United Nations is working well and has yielded tangible results.

My delegation hopes the triennial debate on the question of Antarctica in this Committee will continue to provide a forum for those both within and outside the system to engage in meaningful dialogue. This should not be the end of a process, but rather the beginning of a relation based on mutual trust and cooperation to ensure that the best interests of mankind are served into the next millennium. We look forward to closer and more constructive cooperation with the ATCP countries in the coming years.

Mr. Richardson (United Kingdom): I have the honour today of addressing the First Committee of the General Assembly on behalf of the States Parties to the Antarctic Treaty.

The Antarctic Treaty Parties are pleased to record that this year marks the fortieth anniversary of that landmark, the Antarctic Treaty, which was signed by 12 States in Washington on 1 December 1959. The anniversary was commemorated earlier this year at the Twenty-third Antarctic Treaty Consultative Meeting in Lima, at which the Lima Declaration was adopted, in the presence of the President of the Republic of Peru.

During the 40 years since its signing, a further 32 States have joined the original 12 signatories and become Parties to the Treaty. Over that period, the Antarctic Treaty Consultative Parties (ATCP) have adopted numerous regulatory measures to provide for the effective management and governance of Antarctica. Ministers and officials from 23 Parties also met from 23 to 28 January 1999 at Ross Island in Antarctica, the first such occasion to be held in Antarctica.

By these means, the Antarctic Treaty has successfully guaranteed that this vast continent remains a region dedicated to peace, international cooperation and scientific endeavour. The importance of Antarctic science, investigating as it does also those global processes which govern the very health of this planet, takes on an ever increasing importance.

Since the General Assembly last addressed the question of Antarctica, during its fifty-first session in 1996, the intervening period has witnessed a further strengthening of the Antarctic Treaty. In 1998, Bulgaria was welcomed as the twenty-seventh Consultative Party to the Antarctic Treaty. In addition, the Treaty continues to attract new members. Earlier this year, Venezuela became the forty-fourth Party to the Treaty. Collectively, these 44 States

represent more than eighty per cent of the world's population.

An important milestone during the past three years was the entry into force in January 1998 of the Protocol on Environmental Protection to the Antarctic Treaty. The Protocol designates Antarctica as a "natural reserve, devoted to peace and science" and prescribes a series of environmental principles to govern human activities in Antarctica. Supporting those principles is a comprehensive package of tough measures to protect the Antarctic environment. Based on the Protocol, activities in Antarctica are now subject to environmental impact assessment before they can take place. The Protocol introduces an indefinite prohibition on mineral resource activities in Antarctica. It provides stringent rules on waste management and includes measures to prevent marine pollution and new provisions to protect Antarctica's wildlife.

Importantly, the Protocol also establishes a new institution, the Committee for Environmental Protection. Open to all Parties, and with observership extended as appropriate to a range of international bodies, the Committee held its inaugural meeting in 1998 at Tromso in Norway. The meeting in Lima was an occasion to demonstrate that the Committee has rapidly established itself as the primary body to give advice to the Treaty Parties, for consideration at Antarctic Treaty Consultative Meetings, on the implementation of the Protocol and on matters relating to the protection of the Antarctic environment generally. In that regard, the Parties emphasize the work of the Committee in setting procedures for environmental impact assessments. The Committee will play an increasingly important role in the operation of the Treaty.

As reported by the representative of the Netherlands at the fifty-first session of the General Assembly, the Treaty Parties had already undertaken active steps to ensure practical implementation of the Protocol well ahead of its entry into force. As a result, important progress has been made towards the comprehensive and rigorous enforcement of the Protocol throughout Antarctica.

The principal impetus behind the success and on-going development of the Antarctic Treaty remains the Meetings of the Antarctic Treaty Consultative Parties. Since the Assembly's fifty-first session, three such Meetings have been convened, in Christchurch, New Zealand, in Tromso, Norway and, this year, in Lima. At each of these Meetings, further steps have been taken to strengthen the regulatory framework for Antarctica and protection of the Antarctic environment.

At the 1997 Meeting in Christchurch, significant progress was made on the issue of emergency response and contingency planning, and it was agreed to hold regular contingency exercises. The issue was further explored during the Tromso Meeting in 1998, when guidelines were adopted for oil spill contingency planning and for reporting oil spill incidents. At the same time, recommended procedures for fuel oil handling at Antarctic stations were approved.

During the Tromso Meeting, an Antarctic Treaty Consultative Meeting website was established with a view to making information on Antarctica and on the Antarctic Treaty more accessible to the general public. This means of ensuring transparency was extended at the Lima meeting to include information on the Committee for Environmental Protection, with all documents from this meeting displayed in the four official languages of the Antarctic Treaty system.

In the past two years, considerable progress has been made with the Antarctic Protected Areas System, which ensures comprehensive protection for key habitats throughout Antarctica. Guidelines to standardize the production of management plans for Antarctic protected areas were adopted at the Tromso meeting, and further consideration was given to the establishment of protected areas in the marine environment. In an innovative procedure, technical workshops to examine issues relating to protected areas were convened in 1998 and 1999.

During the most recent Treaty Meeting, a review of the list of specially protected species in Antarctica was instigated, with the purpose of improving the effectiveness of this conservation mechanism. The year 1999 also saw the adoption of guidelines to assist in the preparation of environmental impact assessments.

The Antarctic Treaty and its Parties, and indeed the Antarctic Treaty system as a whole, have successfully met the varied challenges they have faced over the past 40 years and have demonstrated their ability to deal with changing situations. The ability of States Parties to anticipate critical issues and to take action in advance of actual problems arising has been a hallmark of the Antarctic Treaty. This has stood the Treaty in good stead. But the Treaty Parties are well aware that further challenges remain and lie ahead. They are not complacent.

In this regard, at Lima the Antarctic Treaty Parties expressed their grave concern at the scale of illegal, unregulated and unreported fishing for toothfish in the Southern Ocean. As a consequence, stocks of this important species are under threat. Significant and wholly unsustainable levels of mortality of globally important seabird species, principally albatrosses and petrels, associated with the toothfish fishery, are also occurring. Recognizing the seriousness of this problem for the wider Antarctic environment, the Antarctic Treaty Consultative Parties, through means of a resolution, lent their support to the Commission for the Conservation of Antarctic Marine Living Resources — established under a sister treaty, the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR) — for the introduction of further regulatory measures at its meeting this year.

In that respect, I am pleased to announce that at its eighteenth meeting, at Hobart, Tasmania, last week, the CCAMLR Commission adopted a Catch Documentation Scheme designed to closely monitor and constrain the international trade in toothfish. This is a significant achievement. It should do much to combat the serious problem of illegal, unregulated and unreported fishing.

The general problems of illegal and unregulated fishing are not unique to CCAMLR and the areas of the Southern Ocean that fall under its responsibility. They have unfortunately become widespread. They affect many regional fisheries organizations worldwide.

Here, in this wider audience, it would be opportune to inject a plea to those third States whose vessels and nationals are known to have been engaged in the toothfish fishery in the Southern Ocean. The conservation of Antarctica's marine environment requires that flag States fully exercise their responsibilities, including the need for due recognition by the operators of their flag vessels of the rules and regulations which apply to the Southern Ocean. It is incumbent on us all to recognize the part we must play if the protection of this unique part of the global environment is to be ensured.

The Antarctic Treaty Parties remain committed to elaborating rules and procedures relating to liability for damage arising from activities taking place in the Antarctic Treaty area and covered by the Protocol. Progress towards a liability annex to the Protocol has been made, particularly at the last two Treaty Meetings. The Treaty Parties intend to maintain this momentum and to continue to work towards an effective annex or annexes on liability at future meetings.

The Parties now anticipate the early entry into force of a further Annex to the Protocol, on area protection and management. This fifth Annex provides a rigorous framework for the protection of designated areas and will enable continued adequate management of various activities in Antarctica, including science and tourism.

The issue of tourism in the Antarctic is watched closely by the Parties. The Antarctic Treaty Consultative Parties are concerned at the trend towards larger passenger vessels operating in the waters south of 60° south and encourage non-parties to the Environmental Protocol, particularly those with Antarctic tourist activities organized in their territory, to accede to the Protocol.

It was agreed at Lima to convene a meeting of experts in April 2000 to elaborate guidelines for Antarctic shipping and related activities. The primary focus of the guidelines will be to improve standards of safety and environmental protection for vessels operating in Antarctic waters. The International Maritime Organization will be invited to participate at the expert level in the development of these guidelines.

On behalf of the Antarctic Treaty Parties, I am pleased to report this continuing commitment to an effective regime for the protection of the Antarctic environment and to ensuring that the governance of Antarctica upholds the principles of international cooperation and that Antarctica is used exclusively for peaceful purposes. Antarctica remains the only demilitarized continent in the world. The Treaty is open to accession by all Members of the United Nations or any other State which may be invited, and the Parties will continue to encourage all States with an active interest in Antarctica to accede to the Treaty and its Environmental Protocol.

It is unclear what the next 40 years may bring. However, the Treaty Parties look to the Antarctic Treaty and the comprehensive system of regulations that has developed under it as the means to provide the effective governance and management of this vitally important part of our planet.

The Acting Chairman: Do any other delegations wish to speak? It appears not.

As the result of consultations among groups and delegations, a draft resolution has been formulated as the Chairman's proposal, as contained in document A/C.1/54/L.58.

I have been informed by the Secretariat that there are no speakers for the general debate at tomorrow's meeting. Thus, I should like to propose that we take action on the draft resolution this afternoon. According to our timetable, we have set aside one more meeting for this agenda item, but if there are no speakers I think it would be appropriate to proceed further at this meeting and take action on the draft resolution.

If I hear no objection, I shall take it that the Committee decides to take action on the draft resolution this afternoon. Does any delegation wish to explain its position or vote? I see none.

Draft resolution A/C.1/54/L.58 was adopted.

The Acting Chairman: Does any delegation wish to explain its position after taking action? I see none. The Committee has concluded its consideration of the question of Antarctica, under agenda item 66.

Mr. Lin Kuo-Chung (Secretary): Members of the Committee may be anxious to know when the reports of the First Committee will be taken up in plenary meeting. As a result of consultation with Documents Control and Meetings Servicing, it has been promised that all reports of the First Committee will be taken up in plenary meeting on 1 December.

The Acting Chairman: I declare the fifty-fourth session of the First Committee closed.

The meeting rose at 3.50 p.m.